

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CHRISTI PINTO,

Plaintiff,

**ANSWER<sup>1</sup>**

-against-

Civil Action No.: 1:23-CV-0142 (TJM/ATB)

MIKE TYSON,

Defendant.

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Defendant, Mike Tyson, by and through his attorneys, Girvin & Ferlazzo, P.C., as and for his Answer to Plaintiff Christi Pinto's July 13, 2023 Verified Complaint, alleges the following upon information and belief:

1. Deny.
2. Admit.
3. Admit.
4. Admit.
5. Admit.
6. Admit.
7. Deny.
8. Deny.

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<sup>1</sup> Defendant notes that the Plaintiff's complaint was "Verified" pursuant to New York Civil Practice Law and Rules § 3020, which is inapplicable to this case. *See* § 1339 Verification, 5A Fed. Prac. & Proc. Civ. § 1339 (4th ed.) at fn. 10 (noting that FRCP did away with federal verification requirements unless a federal statute specifically requires verification).

9. Deny sufficient information to admit or deny the allegations contained in paragraph 9 of the Complaint.

10. Deny.

11. Deny.

12. Deny.

13. Deny.

14. Deny.

15. Deny.

16. Deny.

17. Deny.

18. Deny.

19. Deny sufficient information to admit or deny the allegations contained in paragraph 19 of the Complaint.

20. Deny.

21. Deny.

22. Deny.

23. Deny.

24. Admit Defendant was convicted of rape in 1992, Deny that this information is relevant to the instant litigation. Deny the remaining allegations contained in paragraph 24 of the Complaint.

25. Deny.

26. Defendant incorporates by reference all the responses to the allegations of Plaintiff's Complaint set forth above as if fully set forth in detail herein.

27. Deny.

28. Deny.

29. Deny.

30. Deny.

31. Deny.

32. Defendant incorporates by reference all the responses to the allegations of Plaintiff's Complaint set forth above as if fully set forth in detail herein.

33. Deny.

34. Deny.

35. Deny.

36. Deny.

37. Deny all other allegations not specifically admitted above and Deny that Plaintiff is entitled to the relief sought in the PRAYER FOR RELIEF and WHEREFORE clauses of the Complaint.

### **AFFIRMATIVE AND OTHER DEFENSES**

In further response to the Complaint, Defendant hereby asserts the following affirmative and other defenses, without conceding that it bears the burden of persuasion as to any of them except those deemed affirmative defenses by law, regardless of how such defenses are denominated herein. Nor does Defendant admit that the Plaintiff is relieved of her burden to prove each and every element of her claims and the damages, if any, to which she claims to be entitled. As for its defenses, Defendant reasserts and reincorporates as if fully set forth herein its responses above to the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

1. Some or all of Plaintiff's claims fail to state causes of action upon which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

2. Some or all of Plaintiff's claims are barred by the applicable statute of limitations.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

3. Some or all of Plaintiff's claims are barred by the doctrines of laches, waiver and/or estoppel.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

4. Any injuries suffered by Plaintiff were caused by the superseding and intervening acts, fault, omissions, negligence, or other culpable conduct of others over whom Defendant had no control, and not from any act, omission, negligence, or culpable conduct on the part of Defendant.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

5. Plaintiff's injuries, if any, were caused in whole or in part by the acts or omissions of parties over whom Defendant had no control.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

6. Plaintiff's recovery should be limited to the extent Plaintiff has received payment through any collateral sources.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

7. Plaintiff's damages, if any, were caused by Plaintiff's own actions or omissions.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

8. Plaintiff's damages were caused by Plaintiff's failure to take reasonable actions to avoid and/or mitigate damages.

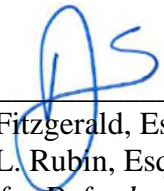
**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

9. Defendant reserves the right to assert further defenses that may become known during discovery.

**WHEREFORE**, Defendant requests that the Complaint be dismissed and for such other and further relief in Defendant's favor as the Court deems appropriate.

Dated: August 2, 2023  
Albany, New York

GIRVIN & FERLAZZO, P.C.



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